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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Implementation of the Local
Competition Provisions in the
Telecommunications Act of 1996)

) CC Docket No. 96-98

Interconnection between
Local Exchange Carriers and Commercial
Mobile Service providers)

) CC Docket No. 95-185

To: The Commission

PETITION FOR LIMITED CLARIFICATION OF THE
CELLULAR TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Cellular Telecommunications Industry Association
("CTIA")¹ hereby submits this Petition for Limited Clarification
requesting that the Commission clarify its position taken with
respect to the applicability of access charges to CMRS traffic in
the above-captioned proceeding.² Specifically, CTIA requests

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers, including 48 of the 50 largest cellular, broadband personal communications service ("PCS"), enhanced specialized mobile radio, and mobile satellite service providers. CTIA represents more broadband PCS carriers, and more cellular carriers, than any other trade association.

² Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Commercial Mobile Radio Service Providers, First Report and Order in CC Docket Nos. 96-98, 95-185 (released August 8, 1996) ("First Report and Order").

that the Commission, in adopting transport and termination rules governing CMRS traffic within an MTA, clarify that the First Report and Order does not create any new or additional obligations for CMRS providers to pay incumbent local exchange carriers ("LEC") access charges for CMRS traffic which crosses MTA boundaries (inter-MTA traffic).

CTIA supports the Commission's decision in the First Report and Order.³ Recognizing the importance of CMRS in realizing true competition, the Commission has established rules for interconnection compensation that ensure the efficient, competitive buildout of the nationwide wireless communications infrastructure.

In the First Report and Order the Commission designated MTA boundaries as the perimeter for local service of CMRS traffic under its exclusive authority to define the authorized license areas of wireless carriers.⁴ The Commission went on to establish the distinction between transport and termination costs and

³ CTIA has intervened in support of the Commission in the proceeding challenging the First Report and Order in the U.S. Court of Appeals for the Eighth Circuit. See Motion for Leave to Intervene of CTIA in Iowa Utilities Board v. FCC, et al., No. 96-3321 (filed Sept. 19, 1996). CTIA has also filed oppositions to motions for stay of the First Report and Order before the Commission and the Eighth Circuit. See Opposition of CTIA to the Joint Motion of GTE and SNET for Stay Pending Judicial Review in CC Docket No. 96-98 (filed Sept. 4, 1996); Consolidated Opposition of CTIA to the Motions for Stay and Expedited Review, No. 96-3321 and consolidated cases (8th Cir., filed Sept. 19, 1996).

⁴ First Report and Order at ¶ 1036.

access charges, as it relates to incumbent LEC-CMRS interconnection, stating, "traffic between an incumbent LEC and a CMRS network that originates and terminates within the same MTA . . . is subject to transport and termination rates under section 251(b) (5), rather than interstate or intrastate access charges."⁵ While establishing the requirements for transport and termination, the First Report and Order concluded, "that CMRS providers [should] continue not to pay interstate access charges for traffic that currently is not subject to such charges, and are assessed such charges for traffic that is currently subject to interstate access charges."

CTIA seeks clarification of the Commission's order declaring that CMRS carriers should not be obligated under the First Report and Order to pay interstate access charges "for traffic that currently is not subject to such charges" governs even if the CMRS calls originate in one MTA and terminate in another, unless access charges applied to the traffic prior to the release of the First Report and Order.

The First Report and Order preserves the preexisting status of LEC-CMRS interconnection, and does not permit incumbent LECs to impose an access charge requirement upon CMRS calls previously subject to interconnection charges under LEC-CMRS interconnection

⁵ Id. at ¶ 1043.

⁶ Id.

agreements. In some instances, however, existing cellular traffic crosses MTA boundaries because cellular carriers configured their networks and clustered their systems irrespective of MTA boundaries. While CTIA does not necessarily oppose the imposition of access charges for calls carried between two or more MTAs, it believes that the establishment of such a policy is more appropriate in the forthcoming access charge reform proceeding. However, it is not appropriate that the First Report and Order be read as converting LEC-CMRS traffic that crossed MTA boundaries prior to the First Report and Order from traffic subject to interconnection into traffic that is subject to access charges, particularly since the MTA boundaries had no relevance to cellular licensing and "clustering".

CONCLUSION

CTIA respectfully requests that the Commission clarify that the First Report and Order does not at this time create any new or additional rights on the part of incumbent LECs to collect access charges from CMRS carriers for inter-MTA traffic.

Respectfully submitted,

**CELLULAR TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**



Michael F. Altschul
Vice President, General Counsel

Randall S. Coleman
Vice President for
Regulatory Policy and Law

1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036-3384
(202) 785-0081

Its Attorneys

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